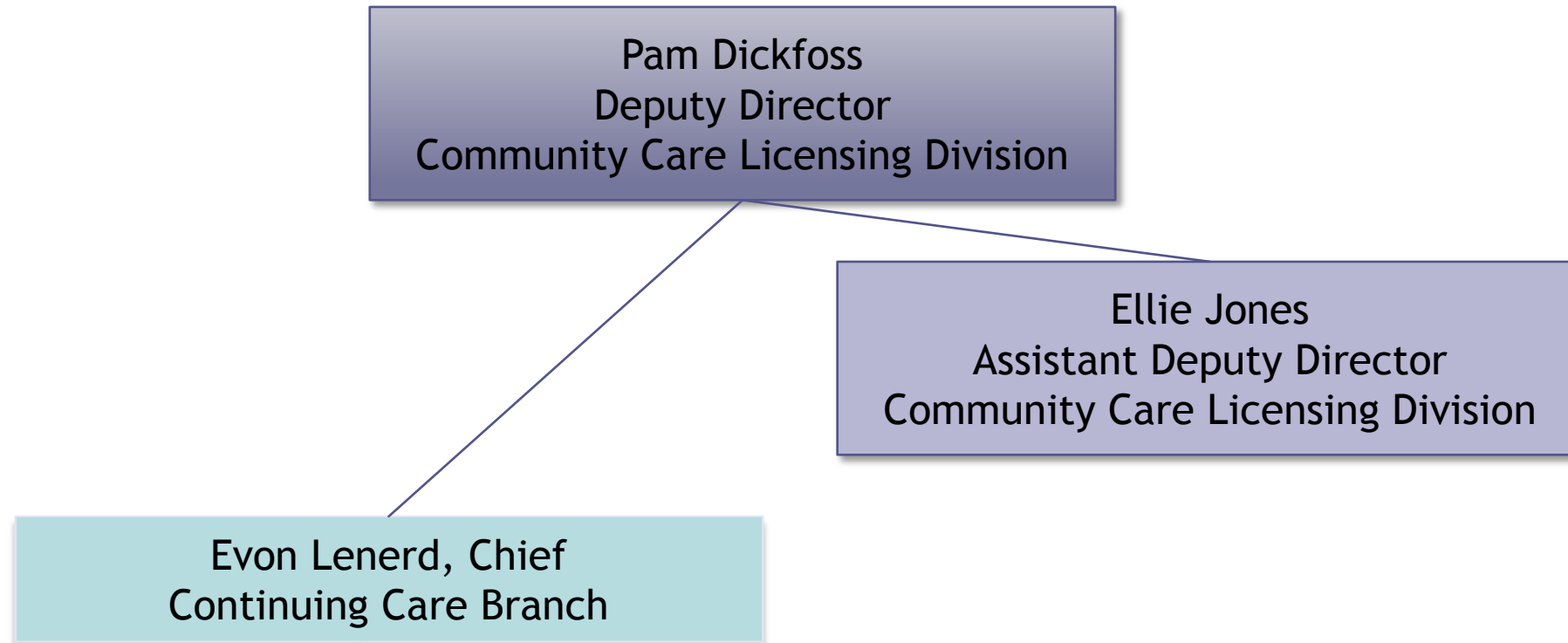


Home Care Services Consumer Protection Act

Stakeholders Meeting
January 27, 2017
(rescheduled to February 2, 2017)

Home Care Services Consumer Protection Act Implementation Team: Executive Team



Home Care Services Consumer Protection Act Implementation Team: HCSB

McCaulie Feusahrens, Chief
Home Care Services Bureau

Karen Cross
Manager

Rochelle Sherbert
Analyst

Paul Pazirandeh
Analyst

Jack Burt
Analyst

Shelby Whedon
Analyst

Sheila Glover
Analyst

Alejandro
Martin
Support Staff

Lauren
Wager
Support Staff

Jackie Galvin
Manager

Matt Lugo
Policy Analyst

Jacqui Gonzalez
Analyst

Jessica Swol
Analyst

Lydia Montejano
Analyst

Keith McCord
Analyst

Susan
Love
Support Staff

Mike
Hoang
Support Staff

(Vacant)
Manager

Steve David
Analyst

Travis Brown
Analyst

Ruben Perez
Analyst

Barbora Rejmanek
Analyst

Francina Williams
Analyst

Carmen
Jasper
Support Staff

Margo
Chipman
Support Staff

Home Care Services Consumer Protection Act Implementation Team: CBCB

Dorette Pierce, Chief
Caregiver Background Check Bureau

Paul Martinez
Assistant Chief

Terece Williams
Manager

Olaniyan Akyeem
Manager

Ryan Boruff
Manager

Pallavi #4
Policy Analyst

Jon #22
Analyst

Kristen #6
Analyst

Alicia #36
Analyst

Tracy #2
Analyst

Hilda #32
Analyst

Cindy #38
Analyst

Rebecca #16
Analyst

Diana #19
Analyst

Sara
Support Staff

Gerri #15
Analyst

Meryl #17
Analyst

Wendy #25
Analyst

Debra
Support Staff

Megan #23
Analyst

Marolyn
Support Staff

Sonia #40
Analyst

Objectives

- ▶ Provide updates on implementation
- ▶ Provide clarification on training
- ▶ Provide information on visits
 - ▶ Seek questions and/concerns

Updates

Updates

- ▶ Poll for Meetings for 2017
- ▶ HCSB Technical Assistance
 - ▶ HCSB receiving approximately 450 calls per day
 - ▶ January Calls: 8,400+
 - ▶ 2016 Calls over 96,600
 - ▶ 1st Quarter (January, February, March) Calls: 25,100+
 - ▶ 2nd Quarter (April, May, June) Calls: 28,100+
 - ▶ 3rd Quarter (July, August, September) Calls: 22,500+
 - ▶ 4th Quarter (October, November, December) Calls: 20,900+

Updates: Statistics

▶ 2016 HCO Applications

- ▶ Applications Received: 1,400+
- ▶ Licenses Issued: 1,100+
- ▶ Conditional Licenses Issued: 200+

▶ 2016 HCA Applications

- ▶ Applications Received: 94,800+
 - ▶ Manual Applications Received: 15,000+
- ▶ Showing registered on the Registry: 77,800+

Reminders

- ▶ Communication with Analysts
 - ▶ When possible communicate directly with your assigned analyst for issues and concerns.
 - ▶ Please use the HCSB main number for general questions (i.e., Per ID requests, registration questions, etc.)
- ▶ The HCA application includes three (3) items:
 - ▶ HCS 100
 - ▶ LIC 508 (must be included in the application)
 - ▶ \$25.00 fee

Inspections

Inspection Authority

- ▶ The Department has the authority to conduct random, unannounced inspections.
 - ▶ Section 1796.52 of the Health and Safety Code
 - ▶ Section 90-048 of the Written Directives
- ▶ Inspections will be conducted at minimum once every 2 years prior to the license expiration date.
- ▶ The inspections will include but is not limited to, inspection of the books, records, or premises of HCO.
 - ▶ HCO's refusal to make records, books, or premises available is cause for the revocation of the HCOs license.

Preparing for the inspection

- ▶ Your analyst will conduct a HCO file review prior to the inspection to identify:
 - ▶ Any outstanding Fees
 - ▶ Background clearances or exemptions have been obtained on all individuals who have access to clients and confidential client information, and any individual owning 10% or greater beneficial interest
 - ▶ Waivers/Exceptions remain appropriate and valid
 - ▶ Complaints received during the inspection period and their outcomes

Preparing for the inspection (Cont'd)

- ▶ Licensees may use the [HCS 9201 Home Care Organization Inspection Checklist](#) located at www.ccld.ca.gov/forms
- ▶ This checklist is designed to assist in preparing for an unannounced inspection. This checklist covers the areas reviewed by your analyst at the time of the visit.

Conducting the inspection

- ▶ Visits to the HCO are conducted during business hours provided to the HCSB
 - ▶ Maintain updated business hours with your analyst
 - ▶ Suboffice(s) will be visited during on and off hours
- ▶ Licensee or designee must be available within 2 hours of the analysts arrival if:
 - ▶ Business hours are less than 8 consecutive hours per month, or
 - ▶ Business hours are listed as by appointment only
- ▶ Licensee or designee must be available to answer questions and provide requested documentation

Conducting the inspection (cont'd)

- ▶ HCS Analyst will request to review:
 - ▶ Personnel files for licensees, employee's, volunteer's, and Affiliated Home Care Aides
 - ▶ Administrative files
 - ▶ Application documents
 - ▶ Analyst may remove records for coping (no health related records) by preparing a list of records and signing. Records will be returned within 3 working days of removal.
- ▶ Interviews may be conducted with staff, Affiliated HCAs, or volunteers
 - ▶ Licensee must provide a private location for interviews

Concluding the Inspection

- ▶ HCS Analyst will prepare a report detailing inspection activities
 - ▶ When no deficiencies are found during the inspection:
 - ▶ Report is reviewed with the licensee/designee
 - ▶ A copy of the report will be provided to the licensee/designee

Concluding the Inspection (cont'd)

- ▶ When deficiencies are found during the inspection:
 - ▶ HCS Analyst will review each deficiency and provide the licensee with the Health and Safety Code or Written Directives section that has been violated
 - ▶ Licensee will develop a plan to correct the deficiency
 - ▶ HCS Analyst will issue a written notice of deficiency identifying the date corrections must be made
 - ▶ Deficiencies must be corrected within 30 days unless the Department determines more time is required.
 - ▶ Failure to correct the deficiency by the identified date will result in civil penalties

Civil Penalties

- ▶ If civil penalties are warranted:
 - ▶ The licensee will receive a Civil Penalty Assessment (HCS 421) along with a notice indicating the amount due to the Department
 - ▶ Immediate Civil penalties are issued for TB, or background check deficiencies
 - ▶ Immediate civil penalties must be corrected within 24 hours
 - ▶ Written Directives Section 90-052

After the inspection

- ▶ When deficiencies are found during the inspection:
 - ▶ Licensees will receive a proof of correction document to complete and return to the HCS Analyst by the specified due date
 - ▶ Plan of correction extension may be requested prior to due date.
 - ▶ A follow up inspection may occur within 10 days of the deficiency correction due date

Appeal Rights

- ▶ Appeal rights will be provided to the licensee
 - ▶ Licensee has 15 days from date of inspection report to appeal
 - ▶ Supporting documents may be provided to the Department, or requested by the Department, within the first 30 days of the Department receiving the appeal

Appeal Rights (cont'd)

- ▶ The following appeals will be reviewed by the HCSB Bureau Chief for consideration:
 - ▶ Extend due date
 - ▶ Amend due date
 - ▶ Dismiss civil penalty
 - ▶ Retain the finding of deficiency
 - ▶ Retain the civil penalty

Points to consider

- ▶ Technical assistance will be provided during this first round of inspections
- ▶ We will be reevaluating and taking input as we initiate biennial inspections

Training Clarification

Training Timeline

HCA Registration date: January 1, 2016 (1/1/2016)

Year 1

5 hours of entry level training due prior to providing Home Care Services

- 2 hours Orientation
- 3 hours of health and safety*

AND

5 hours annual training*

- Clients rights and safety
- How to provide for and respond to clients daily living needs
- How to report, prevent and detect abuse and neglect
- How to assist a client with personal hygiene and other home care services
- If transportation services are provided, how to transport a client

5 hours annual training due AFTER 1/1/2016 but BEFORE 1/1/2017

Annual registration date: January 1, 2017 (1/1/2017)

Year 2

5 hours annual training*

- Clients rights and safety
- How to provide for and respond to clients daily living needs
- How to report, prevent and detect abuse and neglect
- How to assist a client with personal hygiene and other home care services
- If transportation services are provided, how to transport a client

5 hours annual training due AFTER 1/1/2017 but BEFORE 1/1/2018

Renewal date: January 1, 2018 (1/1/2018)

* Training is transferrable with written documentation. Please see Written Directives Section 90-067(a)(1).

Questions & Answers

References

- ▶ Home Care Services Bureau
<http://www.cclld.ca.gov/PG3654.htm>
- ▶ Caregiver Background Check Bureau
<http://www.cclld.ca.gov/PG399.htm>
- ▶ Health and Safety Code
http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml

Acronyms

Acronym	Term
AB	Assembly Bill
CBCB	Caregiver Background Check Bureau
CCLD	Community Care Licensing Division
CDPH	California Department of Public Health
CDSS	California Department of Social Services
DDS	Department of Developmental Services (California)
DOJ	Department of Justice (California)
DRA	Domestic Referral Agency
EM	Evaluator Manual
FAQ	Frequently Asked Questions
H&SC	Health and Safety Code
HCA	Home Care Aide
HCO	Home Care Organization
HCS	Home Care Services
HCSB	Home Care Services Bureau
HCSCPA	Home Care Services Consumer Protection Act
IHSS	In Home Supportive Services
LPA	Licensing Program Analyst
RO	Regional Office
SB	Senate Bill
TL	TrustLine

Contact Us

For more information regarding the Home Care Services Consumer Protection Act, please contact the Home Care Services Bureau by e-mail at HCSB@dss.ca.gov or by telephone at (916) 657-3570 or 877-424-5778.